

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DARRYL MATTHEWS,

Plaintiff,

vs.

**9:16-CV-1198
(TJM/CFH)**

**JUSTIN THOMAS, Superintendent,
Marcy Correctional Facility, et al.,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

This *pro se* civil action, brought pursuant to 42 U.S.C. § 1983, alleges Defendants violated Plaintiff's constitutional rights while he was incarcerated. The matter was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

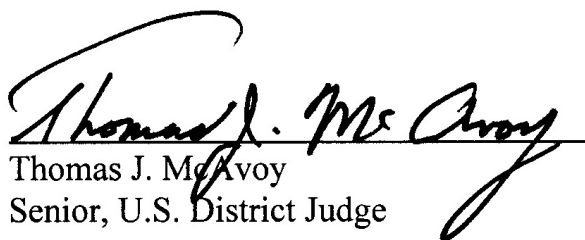
The Report-Recommendation, dated November 6, 2017, recommends that the Court grant Defendants' unopposed motion to dismiss. See *dk. # 19*. Plaintiff did not file objections to the Report-Recommendation and the time for filing such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept the Report-Recommendation.

Accordingly:

1. The Court hereby **ACCEPTS** the Report-Recommendation of Magistrate Judge Hummel, dkt. # 19;
2. Defendants' motion to dismiss, dkt. # 12, is hereby GRANTED; and
3. The Clerk of Court is directed to **CLOSE** the case.

IT IS SO ORDERED.

Dated: December 28, 2017


Thomas J. McAvoy
Senior, U.S. District Judge